



ATTORNEY DOCKET NO.: 041465-5128

In re Application of:

Katsuaki YAMANOI, et al.

Application No.: 09/990,372

Filed: November 23, 2001

For: INFORMATION RECORDING APPARATUS

Confirmation No.: 3256

Group Art Unit: 2653

Examiner: A. Psitos

Mail Stop AF

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, **MAIL STOP AF**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

AMENDMENT AND REQUEST FOR RECONSIDERATION TRANSMITTAL FORM

1. Transmitted herewith is an Amendment and Request for Reconsideration in response to the Final Office Action dated November 24, 2004.

2. Additional papers enclosed:

- ☒ Notice of Appeal to the Board of Patent Appeals and Interferences
- ☐ Drawings: ☐ Formal ☐ Informal (Correction)
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, _____ references included
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

☒ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input checked="" type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Extension of time fee due with this request: \$1,020.00.

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	24	minus	24	0	x \$50 each=	+ \$0.00
Independent Claims (37 C.F.R. §1.16(b))	1	minus	3	0	x \$200 each=	+ \$0.00
[] First presentation of Multiple dependent claim(s)					\$360.00	+ \$
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						- \$
TOTAL FEE =						\$0.00

6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ The Commissioner is authorized to charge Deposit Account No. 50-0310 in the amount of **\$1,520.00** representing \$500.00 for the Notice of Appeal fee and \$1,020.00 for the three-month extension of time fee.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: May 23, 2005

By: David B. Hardy
Reg. No. 47,362

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Response Under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group 2600

PATENT
ATTORNEY DOCKET NO.: 041465-5128

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
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Katsuaki YAMANOI, et al.)	Confirmation No.: 3256
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Application No.: 09/990,372)	Group Art Unit: 2653
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Filed: November 23, 2001)	Examiner: A. Psitos
)	
For: INFORMATION RECORDING APPARATUS)	Mail Stop AF
INCLUDING INFORMATION ATTACHING)	
AND GENERATING DEVICE WHICH)	
GENERATES GROUP CONTROL)	
INFORMATION (As Amended))	

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U.S. Patent and Trademark Office
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401 Dulany Street
Alexandria, VA 22314

Sir:

AMENDMENT AND REQUEST FOR RECONSIDERATION

UNDER 37 C.F.R. § 1.116

In response to the Final Office Action dated November 24, 2004, the period for response to which having been extended through May 24, 2005 by a by a petition for a three-month extension of time filed concurrently herewith, entry of the following amendment is respectfully requested to place the application in clear condition for allowance or, alternatively, in better form for appeal.

05/24/2005 JADD01 00000132 500310 09990372
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